

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE HEARST CORPORATION,

Case No. _____

Plaintiff,

NOTICE OF REMOVAL

-against-

ACE AMERICAN INSURANCE COMPANY,

Defendant.
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**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ACE American Insurance Company located at 436 Walnut Street, Philadelphia, PA 19106, hereby removes this action filed by the Plaintiff The Hearst Corporation, located at Hearst Tower; 300 W 57th Street, New York, NY 10019, from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York. In support of this Notice of Removal, Defendant respectfully states as follows:

1. Plaintiff commenced this action by service on August 14, 2024 of the summons and complaint filed May 6, 2024 in the Supreme Court of the State of New York, County of New York, with the caption, *The Hearst Corporation v. ACE American Insurance Company*, Index Number 652328/2024 (“the Complaint”). A true and exact copy of the Complaint is attached as **Exhibit “A.”**

2. The Complaint contains two causes of action against Defendant: (1) for a declaratory judgment as to insurance coverage and (2) and breach of contract. See **Exhibit “A,”** *supra*.

3. Defendant seeks removal of this action pursuant to 28 U.S.C. § 1332 because the lawsuit arises between citizens of different states and the amount in controversy exceeds \$75,000.

4. According to the Complaint, Plaintiff is a Delaware corporation with its principal place of business in New York, New York. See **Exhibit “A,”** *supra*, at ¶ 23.

5. Defendant is a Pennsylvania corporation with its principal place of business in Pennsylvania.

6. The amount in controversy exceeds \$75,000. See **Exhibit “A,”** *Prayer For Relief at ¶2*.

7. Accordingly, the Court has original jurisdiction under the provisions of 28 U.S.C. § 1332(a) in that complete diversity exists because (1) Defendant and Plaintiff are not citizens of the same state and (2) the amount in controversy exceeds \$75,000.

8. This Notice is timely filed within thirty (30) days of Plaintiff serving the Summons and Complaint on Defendant on August 14, 2024, pursuant to 28 U.S.C. § 1446(b). See Plaintiff’s Affidavit of Service at **Exhibit “B”** annexed hereto.

9. True and correct copies of all pleadings served on the Defendant in the action pending in the New York State Supreme Court, New York County, affidavit of services and stipulation extending Defendant’s time to answer are annexed hereto as **Exhibit “A”**, **Exhibit “B”** and **Exhibit “C”** respectively.

10. After filing this Notice of Removal, Defendant will promptly serve written notice of this Notice of Removal on New York State Supreme Court, New York County, in accordance with 28 U.S.C. § 1446(d).

11. By removing this action from New York State Supreme Court, New York County, Defendant does not waive any defenses available to it and does not admit any of the allegations in Plaintiff’s Complaint.

12. Pursuant to Rule 11 of the Federal Rules of Civil Procedure, the undersigned counsel certifies that he has read the foregoing Notice of Removal, that, to the best of his knowledge, information and belief formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, Defendant prays that this action be removed to the United States District Court for the Southern District of New York.

Dated: New York, New York
September 12, 2024

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